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CLERK OF DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PERRY J. MADSEN,

Plaintiff(s),

v.

CITY OF KENT, et al.,

Defendant(s).

CASE NO. CV01-0079L

ORDER REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND EARLY
SETTLEMENT

I. INITIAL SCHEDULING DATES

Pursuant to the December 1, 2000 revisions to the Federal Rules of Civil Procedure, the Court sets the following dates for initial disclosure and submission of the Joint Status Report and Discovery Plan:

Deadline for FRCP 26(f) Conference: April 8, 2001

Initial Disclosures Pursuant to FRCP 26(a)(1): April 15, 2001

Combined Joint Status Report and Discovery
Plan as Required by FRCP 26(f)
and Local Rule CR 16: April 22, 2001

If this case involves claims which are exempt from the requirements of FRCP 26(a) and (f), please notify Teri Roberts, the judicial assistant, by telephone at 206-553-2673.

II. JOINT STATUS REPORT & DISCOVERY PLAN

All counsel and any pro se parties are directed to confer and provide the Court with a combined Joint Status Report and Discovery Plan (the "Report") by April 22, 2001. This conference shall be by

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1 direct and personal communication, whether that be a face-to-face meeting or a telephonic conference.
2 The Report will be used in setting a schedule for the prompt completion of the case. It must contain the
3 following information by corresponding paragraph numbers:

4 1. A statement of the nature and complexity of the case.

5 2. A statement of which ADR method (mediation, arbitration, or other) should be used. The
6 alternatives are described in Local Rule CR 39.1 and in the ADR Reference Guide which is available
7 from the clerk's office. If the parties believe there should be no ADR, the reasons for that belief should
8 be stated.

9 3. Unless all parties agree that there should be no ADR, a statement of when mediation or
10 another ADR proceeding under Local Rule CR 39.1 should take place. In most cases, the ADR
11 proceeding should be held within four months after the Report is filed. It may be resumed, if necessary,
12 after the first session.

13 4. A proposed deadline for joining additional parties.

14 5. A proposed discovery plan that indicates:

15 A. The date on which the FRCP 26(f) conference and FRCP 26(a) initial disclosures
16 took place;

17 B. The subjects on which discovery may be needed and whether discovery should be
18 conducted in phases or be limited to or focused upon particular issues;

19 C. What changes should be made in the limitations on discovery imposed under the
20 Federal and Local Civil Rules, and what other limitations should be imposed;

21 D. A statement of how discovery will be managed so as to minimize expense (e.g.,
22 by foregoing or limiting depositions, exchanging documents informally, etc.); and

23 E. Any other orders that should be entered by the Court under FRCP 26(c) or under
24 Local Rule CR 16(b) and (c).

25 6. The date by which the remainder of discovery can be completed.
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1 7. Whether the parties agree that a full-time Magistrate Judge may conduct all proceedings,
2 including trial and the entry of judgment, under 28 U.S.C. § 636(c) and Local Rule MJR 13. Agreement
3 in the Report will constitute the parties' consent to referral of the case to a full-time Magistrate Judge.

4 8. Whether the case should be bifurcated by trying the liability issues before the damages
5 issues, or bifurcated in any other way.

6 9. Whether the pretrial statements and pretrial order called for by Local Rules CR 16(e), (h),
7 (i), and (l), and 16.1 should be dispensed with in whole or in part for the sake of economy.

8 10. Any other suggestions for shortening or simplifying the case.

9 11. The date the case will be ready for trial.

10 12. Whether the trial will be jury or non-jury.

11 13. The number of trial days required.

12 14. The names, addresses, and telephone numbers of all trial counsel.

13 15. If, on the due date of the Report, all defendant(s) or respondent(s) have not been served,
14 counsel for the plaintiff shall advise the Court when service will be effected, why it was not made earlier,
15 and shall provide a proposed schedule for the required FRCP 26(f) conference and FRCP 26(a) initial
16 disclosures.

17 16. Whether any party wishes a scheduling conference prior to a scheduling order being
18 entered in the case.

19 If the parties are unable to agree on any part of the Report, they may answer in separate
20 paragraphs. No separate reports are to be filed.

21 The time for filing the Report may be extended only by court order. Any request for extension
22 should be made by telephone to Teri Roberts at 206-553-2673.

23 If the parties wish to have a status conference with the Court at any time during the pendency of
24 this action, they should notify Teri Roberts by telephone at 206-553-2673.

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When civil cases are settled early -- before they become costly and time-consuming -- all parties and the court benefit. The Federal Bar Association Alternative Dispute Resolution Task Force Report for this district stated:

The judges of this district have adopted a resolution “approving the Task Force’s recommendation that court-connected ADR services be provided as early, effectively, and economically as possible in every suitable case.”

If settlement is achieved, counsel shall notify Gail Glass, deputy clerk, at 206-553-0718.

A failure by any party to comply fully with this Order may result in the imposition of sanctions.

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AND EARLY SETTLEMENT - 4